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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,180	04/09/2004	Jean-Luc Bouthemy	59643.00436	8414
32294	7590	11/28/2007		
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER JACKSON, BLANE J	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,180

Applicant(s)

BOUTHEMY ET AL.

Examiner

Blane J. Jackson

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7-11,14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-11,14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 5, 7-11, 14 and 16-20 have been considered but are moot in view of the new ground(s) of rejection. With further review of original claims 6 and 15 with respect to independent claims 1, 10 and 19, the examiner noted the authentication data is configured between the access network (CDMA, GSM) and the core network application (voice or data of a GSM or CDMA core network), not between a plurality of access network applications such as voice and data of the same access network as suggested in claim 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 7, 9, 10, 14, 16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Naim et al. (US 2006/0050680).

As to claims 1, 10 and 19, Naim teaches a system, method and apparatus comprising:

A plurality of access networks (figure 3, paragraph 0056, CDMA2000 and GSM),

At least one user equipment arranged for use in at least one of said access networks (figure 3, paragraphs 0057-0058),

A user identification module for use in the at least one user equipment, said module being configured to enable a plurality of access network applications to run (figure 3, mobile phones of different access networks each with a plurality of access network applications, voice and data communicating with a hybrid mobile switching center (HMSC)), wherein

the module is configured to enable at least one core network application to run, the module configured to enable said core network application to run in parallel with at least one of the plurality of access network applications (paragraphs 0065-0066, SIM supports connection between the mobile phone access node technology and the core network technology),

the user identification module configured to generate authentication data for a core network and the access network (paragraph 0067, SIM card stores and provides data for the mobile phone to generate an authentication response between the access network of the mobile phone and the core network), and

the authentication data for said core network and the access network is further configured to be dependent on a common data set, the common data set is configured to comprise at least one shared key between the access network and the access network application or the core network application, and the shared key is configured to generate a required session key or keys (figure 4, paragraphs 0060-0063 and 0067,

authentication process to connect a mobile phone in a hybrid network composed of a CDMA2000 RAN (306) or GSM RAN and GSM or CDMA core network).

As to claims 7 and 16 with respect to claims 1 and 10, Naim teaches the access network comprises at least one of a CDMA2000 network, a UMTS network, a IEE802.11 network, a DAMPS network, a AMPS network and a WCDMA network (figure 3, paragraphs 0060-0061, the access networks include CMDA2000 and GSM).

As to claims 5 and 14 with respect to claims 4 and 13, Naim teaches the common data set comprises data for use in encryption (paragraphs 0057 and 0058, the hybrid MSC inherently provides security in the authentication of the access network to the core network).

As to claims 9 and 18 with respect to claims 1 and 10, Naim teaches said module comprising a Universal Integrated circuit Card (figure 4, paragraph 0067, SIM (402) card associated with a CDMA2000 or GSM access network of the mobile phone).

Claims 2, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naim et al. (US 2006/0050680) in view of Pecen et al. (US 6,631,259).

As to claims 2, 11 and 20 with respect to claims 1, 10 and 19, Naim teaches the call control for data and voice are located in the same network entity, a hybrid MSC to

handle and keep track of all calls for a given mobile phone, paragraph 0056 but does not teach the plurality of access network application run in parallel.

Pecen teaches a GSM communication network comprising a mobile station capable of operating in a dual transfer mode where once the signaling sequences occurs over the main dedicated control channel, a packet data transfer is created along with the circuit-switched voice interchange activity resulting in a simultaneous voice and data transmission in the dual transfer mode, figures 1 and 2, column 3, line 7 to column 4, line 51.

Since Naim teaches a hybrid MSC to control voice and data calls in a plurality of mobile phone access networks, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the GSM/ CDMA core network of Naim to further support the dual transfer mobile telephone mode of Pecan to provide a simultaneous voice and packet session.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naim et al. (US 2006/0050680) in view of Ejzak (US 6,871,070).

As to claims 8 and 17 with respect to claims 1 and 10, Naim teaches a GSM core network to support voice and data calls but is silent to the core network application is an IP multimedia service (IMS).

Ejzak teaches a 3GPP communication system including user equipment (111), radio access network (RAN), packet-switched domain (131), circuit-switched domain (131) and IP Multimedia Subsystem (IMS) (141), figure 1, column 2, line 66 to column 3,

line 35. Ejzak teaches the IMS is made available for mobile units using either circuit-switched or IP Multimedia call control procedures, figure 1, column 1, line 56 to column 2, line 40.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the core network of Naim to include the IP Multimedia Subsystem of Ejzak to provide internet-like functionality and services to mobile units along with voice and data services.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

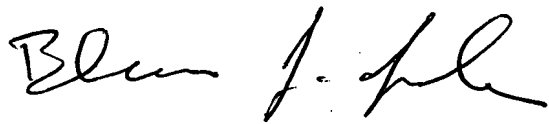
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Blum J. Phil". The signature is written in a cursive, flowing style with a large initial "B" and a distinct "J." followed by "Phil".